

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

UNITED STATES OF AMERICA	§	
	§	
V.	§	CRIMINAL NO. G-96-1
	§	
SHELTON LAMONT WILLIAMS	§	

ORDER

Before the Court is the “Petition Presenting a Federal Question Involving Whether the District Court Retained Personal or Subject Matter Jurisdiction When Imposing a Sentence of Life Imprisonment Based on Non-qualifying Offenses in a Defective Notice of Enhancement and Liberal Construction is Sought” filed by Shelton L. Williams on January 9, 2007. Williams is currently serving two concurrent life sentences as a result of two drug trafficking convictions in this cause. In his petition Williams asks the District Court to vacate his sentence and “resentence him to the proper term of imprisonment.” Such relief would be available, if at all, only pursuant to 28 U.S.C. § 2255.


A review of the file indicates that Williams has previously filed a Motion under 28 U.S.C. § 2255 which was denied by this Court on October 20, 1999. Therefore, the instant petition is actually an effort to file a second or successive § 2255 Motion.

In the instant petition, Williams relies, in part, on the very recent decision of the United States Supreme Court in Lopez v. Gonzales, 549 U.S. ___, 127 S.Ct. 625 (2006). This Court assumes that Williams believes that the Lopez decision justifies the filing of a successive Motion pursuant to 28 U.S.C. § 2244(b)(2). Unfortunately, for Williams, even if he were correct, §2244(b)(3)(A) still requires that he receive permission from a three-judge panel of the United

States Court of Appeals for the Fifth Circuit before he may file his second or successive petition in the District Court. Accordingly, Williams must file a Motion seeking the permission of a three-judge panel of the Fifth Circuit Court of Appeals to file his intended Motion; permission must be granted or denied within 30 days under § 2244(b)(3)(D). Unless or until the Court of Appeals authorizes the filing of a second or successive Motion, this Court has no jurisdiction to consider same.

For the foregoing reasons, it is the **ORDER** of this Court that the “ Petition Presenting a Federal Question Involving Whether the District Court Retained Personal or Subject Matter Jurisdiction When Imposing a Sentence of Life Imprisonment Based on Non-qualifying Offenses in a Defective Notice of Enhancement and Liberal Construction is Sought” (Instrument no. 170) of Shelton L. Williams is **DISMISSED for lack of subject matter jurisdiction**.

DONE at Galveston, Texas, this 12th day of January, 2007.



Samuel B. Kent
United States District Judge